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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,342	04/12/2004	Tomoyuki Shimizu	CANO:134	3120
37013	7590	11/01/2006	EXAMINER	
ROSSI, KIMMS & McDOWELL LLP. P.O. BOX 826 ASHBURN, VA 20146-0826			ZHEN, LI B	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,342

Applicant(s)

SHIMIZU ET AL.

Examiner

Li B. Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/12/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 12 are presented for examination.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The disclosure is objected to because of the following informalities: p. 9, line 20 refers to figures 16Aa and 18Ab. It appears that p. 9, line 20 should refer to figures 16Aa and 16Ab, because figure 18Ab is not present in the submitted drawings.

Appropriate correction is required.

Claim Objections

4. Claims 2 – 8 are objected to because of the following informalities: claims 2 – 8 should recite “The method as claimed in claim 1” instead of “A method as claimed in claim 1” because they refer to method as recited in claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

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Claim 12 recites a program comprising a detecting module, a storing module and a notifying module. The program and modules as recited in claim 12 appear to be computer software only and the claim does not recite any computer hardware. Therefore, claim 12 is drawn to software per se and not tangibly embodied in a manner so as to be executable. Thus, claim 12 is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 and 3 – 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,633,910 to Rajan et al. [hereinafter Rajan].

9. As to claim 1, Raja teaches a method of notifying updates of data [notification control module 85 is provided for allowing a user to be notified of any specified data changes; col. 15, lines 25 – 35], comprising:

a detecting step of detecting update of data [T 79 may be set to near o or "real time monitor" mode. This mode may be used to continuously monitor a site wherein data is frequently and rapidly changing; col. 16, lines 23 – 38];

a storing step of storing an update content [guard 81 processes received data and enters it into database 87; col. 16, lines 37 – 49] which indicates a difference between the data [Guard 81 is programmed to compare data changes entered into database 87 from specified sources to notification criteria entered by a user during configuration. This data set is termed a notification condition (NC); col. 16, lines 37 – 49] before [database 87 for existing data; col. 17, lines 50 – 60] and after the update [received data changes from Web-based sources; col. 17, lines 50 – 60];

a notifying step [Notification control module 85, upon receiving a notification event from guard 81, decides how the event will be propagated to a requesting user based on user directive; col. 16, lines 47 – 56] of notifying a plurality of update contents [a notification event comprises at least summary data describing the nature of the data changes, col. 16, line 56 – col. 17, line 5; notification comprises data changes at two or more sites (metadata changes), col. 3, lines 53 – 65] stored in said storing step in a predetermined form [restructures and re-maps the notification event for delivery to a specified device such as devices 39, 43, and 41; col. 16, line 56 – col. 17, line 4].

10. As to claim 9, Rajan teaches a method of notifying updates of data [notification control module 85 is provided for allowing a user to be notified of any specified data changes; col. 15, lines 25 – 35], comprising:

a detecting step of detecting update of data [T 79 may be set to near o or "real time monitor" mode. This mode may be used to continuously monitor a site wherein data is frequently and rapidly changing; col. 16, lines 23 – 38];

a notifying step [Notification control module 85, upon receiving a notification event from guard 81, decides how the event will be propagated to a requesting user based on user directive; col. 16, lines 47 – 56] of notifying an update content [a notification event comprises at least summary data describing the nature of the data changes, col. 16, line 56 – col. 17, line 5; notification comprises data changes at two or more sites (metadata changes), col. 3, lines 53 – 65] which indicates a difference [Guard 81 is programmed to compare data changes entered into database 87 from specified sources to notification criteria entered by a user during configuration. This data set is termed a notification condition (NC); col. 16, lines 37 – 49] between updated data detected in said detecting step [received data changes from Web-based sources; col. 17, lines 50 – 60] and data obtained from storing means [database 87 for existing data; col. 17, lines 50 – 60];

a storing step of storing at least the updated data [Guard 81 is programmed to compare data changes entered into database 87; col. 16, lines 37 – 49] corresponding to the update content notified last time [T 79 may be programmed to trigger GSS 77 to check all included data sources according to one frequency; col. 16, lines 23 – 38] in said notifying step in the storing means [guard 81 processes received data and enters it into database 87; col. 16, lines 37 – 49];

wherein said notifying step [Notification control module 85, upon receiving a notification event from guard 81, decides how the event will be propagated to a requesting user based on user directive; col. 16, lines 47 – 56] comprises notifying an update content [a notification event comprises at least summary data describing the

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nature of the data changes, col. 16, line 56 – col. 17, line 5; notification comprises data changes at two or more sites (metadata changes), col. 3, lines 53 – 65] which indicates a difference between the updated data [Guard 81 is programmed to compare data changes entered into database 87 from specified sources to notification criteria entered by a user during configuration. This data set is termed a notification condition (NC); col. 16, lines 37 – 49] detected in said detecting step [received data changes from Web-based sources; col. 17, lines 50 – 60] and the updated data stored in said storing step [database 87 for existing data; col. 17, lines 50 – 60].

11. As to claim 10, Rajan teaches an update notifying apparatus [notification system; col. 11, lines 52 – 63 and col. 15, lines 25 – 35] comprising:

a detecting device that detects update of data [T 79 may be set to near o or "real time monitor" mode. This mode may be used to continuously monitor a site wherein data is frequently and rapidly changing; col. 16, lines 23 – 38];

a storing device that stores an update content [guard 81 processes received data and enters it into database 87; col. 16, lines 37 – 49] which indicates a difference between the data [Guard 81 is programmed to compare data changes entered into database 87 from specified sources to notification criteria entered by a user during configuration. This data set is termed a notification condition (NC); col. 16, lines 37 – 49] before [database 87 for existing data; col. 17, lines 50 – 60] and after the update [received data changes from Web-based sources; col. 17, lines 50 – 60];

a notifying device that notifies [Notification control module 85, upon receiving a notification event from guard 81, decides how the event will be propagated to a requesting user based on user directive; col. 16, lines 47 – 56] a plurality of update contents [a notification event comprises at least summary data describing the nature of the data changes, col. 16, line 56 – col. 17, line 5; notification comprises data changes at two or more sites (metadata changes), col. 3, lines 53 – 65] stored in said storing step in a predetermined form [restructures and re-maps the notification event for delivery to a specified device such as devices 39, 43, and 41; col. 16, line 56 – col. 17, line 4].

12. As to claim 11, Rajan teaches an update notifying apparatus [notification system; col. 11, lines 52 – 63 and col. 15, lines 25 – 35] comprising:

a detecting means for detecting update of data [T 79 may be set to near o or "real time monitor" mode. This mode may be used to continuously monitor a site wherein data is frequently and rapidly changing; col. 16, lines 23 – 38];

a storing means for storing an update content [guard 81 processes received data and enters it into database 87; col. 16, lines 37 – 49] which indicates a difference between the data [Guard 81 is programmed to compare data changes entered into database 87 from specified sources to notification criteria entered by a user during configuration. This data set is termed a notification condition (NC); col. 16, lines 37 – 49] before [database 87 for existing data; col. 17, lines 50 – 60] and after the update [received data changes from Web-based sources; col. 17, lines 50 – 60];

a notifying means for notifying [Notification control module 85, upon receiving a notification event from guard 81, decides how the event will be propagated to a requesting user based on user directive; col. 16, lines 47 – 56] a plurality of update contents [a notification event comprises at least summary data describing the nature of the data changes, col. 16, line 56 – col. 17, line 5; notification comprises data changes at two or more sites (metadata changes), col. 3, lines 53 – 65] stored in said storing step in a predetermined form [restructures and re-maps the notification event for delivery to a specified device such as devices 39, 43, and 41; col. 16, line 56 – col. 17, line 4].

13. As to claim 12, Rajan teaches a program for causing a computer to execute an update notifying method [notification control module 85 is provided for allowing a user to be notified of any specified data changes; col. 15, lines 25 – 35], comprising:

a detecting module for detecting update of data [T 79 may be set to near o or "real time monitor" mode. This mode may be used to continuously monitor a site wherein data is frequently and rapidly changing; col. 16, lines 23 – 38];

a storing module for storing an update content [guard 81 processes received data and enters it into database 87; col. 16, lines 37 – 49] which indicates a difference between the data [Guard 81 is programmed to compare data changes entered into database 87 from specified sources to notification criteria entered by a user during configuration. This data set is termed a notification condition (NC); col. 16, lines 37 – 49]

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before [database 87 for existing data; col. 17, lines 50 – 60] and after update [received data changes from Web-based sources; col. 17, lines 50 – 60];

a notifying module [Notification control module 85, upon receiving a notification event from guard 81, decides how the event will be propagated to a requesting user based on user directive; col. 16, lines 47 – 56] for notifying a plurality of update contents [a notification event comprises at least summary data describing the nature of the data changes, col. 16, line 56 – col. 17, line 5; notification comprises data changes at two or more sites (metadata changes), col. 3, lines 53 – 65] stored in said storing step in a predetermined form [restructures and re-maps the notification event for delivery to a specified device such as devices 39, 43, and 41; col. 16, line 56 – col. 17, line 4].

14. As to claim 3, Rajan teaches the notifying step comprises notifying the plurality of update contents stored in the storing step after notifying last time [T 79 may be programmed to trigger GSS 77 to check all included data sources according to one frequency; col. 16, lines 23 – 38].

15. As to claim 4, Rajan teaches the update content includes at least states before [database 87 for existing data; col. 17, lines 50 – 60] and after update [received data changes from Web-based sources; col. 17, lines 50 – 60] of updated part of the data [col. 16, line 56 – col. 17, line 5 and col. 3, lines 53 – 65].

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16. As to claim 5, Rajan teaches the storing step comprises storing the update content in a case where the update satisfies a predetermined criterion [guard 81 receives a data change that matches a pre-programmed NC, then guard 81 issues a notification event to notification control module 85; col. 16, lines 36 – 48].

17. As to claim 6, Rajan teaches the timing for notification in said notifying step is externally designated [user may select a specific frequency (i.e. how often the formula of the request is calculated) for each request entered; col. 16, lines 7 – 39].

18. As to claim 7, Rajan teaches the timing for notification in said notifying step is scheduled in advance [Data stored in aggregation is forwarded to layer 55 according to a pre-assigned schedule for processing; col. 8, lines 25 – 34 and col. 16, lines 22 – 39].

19. As to claim 8, Rajan teaches an update criterion-setting step of setting an update criterion [Guard 81 is programmed to compare data changes entered into database 87 from specified sources to notification criteria entered by a user during configuration; col. 16, lines 36 – 49] to be applied in notifying a notified party of the updated contents [guard 81 receives a data change that matches a pre-programmed NC, then guard 81 issues a notification event to notification control module 85; col. 16, lines 36 – 48]; and an extracting step [guard 81 may be used to mine database 87 for existing data to compare against received data changes from Web-based sources; col. 17, lines 50 – 60] of extracting a portion of latest updated data satisfying the update criterion set in

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said update criterion-setting step, as the updated content [If guard 81 receives a data change that matches a pre-programmed NC, then guard 81 issues a notification event to notification control module 85; col. 16, lines 36 – 48].

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan in view of U.S. Patent No. 6,735,615 to Iwayama et al. [hereinafter Iwayama].

22. As to claim 2, Rajan teaches notifying a plurality of update contents [col. 3, lines 53 – 65] but does not specifically disclose arranging the update contents in order in which the update of the data is detected.

However, Iwayama teaches detecting update of data [a status change has been detected in the database; col. 9, line 57 – col. 10, line 8], and notifying the plurality of update contents in a form [monitoring portion creates a predetermined notification data; col. 12, lines 55 – 65] arranged in order in which the update of the data is detected [Status change notifications of DB 1 and DB 2 sent to channel #CH2 are displayed in chronological order in the notification region 44; col. 11, lines 45 - 62].

It would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify the system of Rajan to incorporate the feature of

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notifying the plurality of update contents in a form arranged in order in which the update of the data is detected as taught by Iwayama because Iwayama's features allows data changes to be processed in a chronological order and provides a technology that notifies users of changes in status of a separate, external database in real-time, thereby allowing users to conduct communication based on an assumption that all the users share the same information [col. 2, lines 25 – 32 of Iwayama].

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,782,403 discloses an inter-application data transmitting system having an application intermediary unit.

U.S. Patent No. 6,714,976 discloses methods for automated monitoring and management of distributed applications.

U.S. Patent No. 6,065,044 discloses a home page updating notification apparatus.

U.S. Patent No. 6,742,181 discloses an inter-application data transmission/reception system.

U.S. Patent No. 6,868,544 discloses an object-based contact list that allows users to interact with multiple notification service providers.

U.S. Patent Application Publication No. 2002/0073158 discloses an object-based contact list that allows users to interact with multiple notification service providers.

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U.S. Patent Application Publication No. 2004/0172423 discloses a data synchronization service for use in a peer-to-peer computing environment.

CONTACT INFORMATION

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LBZ

Li B. Zhen
Examiner
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